

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

STEPHANIE HAMMONDS,

Plaintiff,

V.

**BURLINGTON COAT FACTORY
WAREHOUSE CORPORATION**

Defendants.

Civil Action No.:

**NOTICE OF REMOVAL AND COPIES OF
ALL PROCESSES AND PLEADINGS**

Pursuant to 28 U.S.C. §§ 1441 and 1446, **Burlington Coat Factory of Texas, Inc. I/S/H/A BURLINGTON COAT FACTORY WAREHOUSE CORPORATION** ("Defendant"), by and through its attorneys, Goldberg Segalla LLP, submits this Notice of Removal from the Supreme Court of the State of New York, County of Bronx, in which this matter is now pending, to the United States District Court, Southern District of New York. In support of this Notice of Removal, Defendant states as follows:

1. This is a premises liability matter in which Plaintiff, Stephanie Hammonds, (“Plaintiff”) allege that she was injured in the defendants store. *See* **Exhibit A**, Plaintiff’s Complaint.

2. Plaintiff alleges the accident occurred at the Burlington Coat Factory store located at 350 Baychester Avenue, County of Bronx, City and State of New York.. See **Exhibit A** at ¶¶ 3,6.

3. Plaintiff filed her Complaint on October 22, 2020. An amount in controversy was not alleged in the complaint as it prohibited by New York law.

4. Defendant filed their answer on December 28, 2020. *See* **Exhibit B** defendant's Verified Answer.

5. Plaintiff served a Bill of Particulars and responses to combined demands. **Exhibit C** (without attachments). Neither document contained an amount in controversy or demand in writing.

6. A true and correct copy of all process, pleadings and orders served on this defendant, which currently only include plaintiff's Complaint, attached as **Exhibits A**, and defendant's Answer, attached as **Exhibit B**, as required by 28 U.S.C. § 1446(a).

7. Defendant served an AD Damnum demand on plaintiff on September 3, 2021. On September 14, 2021, plaintiff counsel's office wrote to the undersigned counsel and indicated that the amount in controversy was \$1,000,000.

8. This Notice of Removal is being filed within thirty (30) days after this defendant received plaintiff's Complaint and was first notified in writing of the potential amount in controversy and is therefore timely pursuant to 28 U.S.C. § 1446(b).

9. Pursuant to 28 U.S.C. § 1446(c)(1), this Notice for Removal is timely, as it is filed within one year of the commencement of the action.

10. Pursuant to 28 U.S.C. § 1332(a), this Court has original jurisdiction over this action, as the amount in controversy exceeds \$75,000 and this matter is between citizens of different states.

The Amount in Controversy

11. Plaintiff has indicated in writing that their demand for damages is \$1,000,000.

12. This Notice of Removal is, therefore, proper because the amount in controversy is greater than the amount required by 28 U.S.C. § 1332(b).

Diversity of Citizenship

13. Plaintiff is a resident of Westchester County, New York as alleged on the face of the complaint. *See Exhibit A.*

14. Defendant, Burlington Coat Factory Warehouse Corporation and Burlington Coat Factory of Texas, Inc. are Florida Corporations with principal places of business in New Jersey. Pursuant to 28 U.S. Code § 1332, complete diversity of citizenship exists among all the parties in this action.

Removal is Proper

15. Insofar as the amount in controversy is alleged to exceed \$75,000.00, full diversity exists between the parties, and this Notice is timely filed, removal is proper pursuant to 28 U.S.C. § 1332(a) and 28 U.S.C. § 1441(a).

16. Written notice is being given contemporaneously to all parties and to the Clerk of the Supreme Court of the State of New York, County of Bronx, that this Notice of Removal is being filed with this Court.

WHEREFORE, Defendant, **Burlington Coat Factory of Texas, Inc. I/S/H/A BURLINGTON COAT FACTORY WAREHOUSE CORPORATION** files this Notice of Removal so that the entire State Court Action under Index No. 32374/2020E, now pending in the Supreme Court of the State of New York, County of Bronx, shall be removed to this Court for all further proceedings.

Dated: New York, New York
October 8, 2021

Respectfully Submitted,

GOLDBERG SEGALLA, LLP

By: _____



Matthew Miller, Esq.

Attorneys for Defendant

**Burlington Coat Factory of Texas, Inc. I/S/H/A
BURLINGTON COAT FACTORY
WAREHOUSE CORPORATION**

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Civil Action No.

CERTIFICATE OF SERVICE

I, Matthew Miller, Esq., hereby certify that a true and correct copy of the foregoing
Notice of Removal was served along with copies of all processes and pleadings via electronic
filing on October 8, 2021 upon:

MICHAEL D. RIBOWSKY
Attorneys for Plaintiff(s)
STEPHANIE HAMMONDS
109-12 Jamaica Avenue
Richmond Hill, New York 11418

By: 

Matthew Miller